

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JARED T. NEEL, JR.,

Defendant.

Case No. 23-00227-01-CR-W-SRB

MOTION FOR DETENTION

Comes now the United States of America, by and through its undersigned counsel, and hereby moves this Court to order the detention of defendant Jared T. Neel, Jr., and states the following in support of the motion:

1. This motion is being made at the defendant's first appearance before a judicial officer. An Indictment has been filed charging the defendant with conspiracy to traffic firearms, in violation of 18 U.S.C. §§ 933(a)(1), (3), and (b) (Count One); trafficking firearms, in violation of 18 U.S.C. §§ 933(a)(1) and (b) (Count Two); and possession of a machine gun, in violation of §§ 922(o) and 924(a)(2) (Count Three).

2. This case also involves the possession or use of a firearm as that term is defined in 18 U.S.C. § 921. *See* 18 U.S.C. § 3142(f)(1)(E).

3. Based on this charge and the present motion, this Court "shall hold a hearing to determine whether any condition or combination of conditions . . . will reasonably assure the appearance of such person as required and the safety of any other person and the community. 18 U.S.C. § 3142(f).

4. Under the Bail Reform Act, a defendant can be detained before if “the government shows by clear and convincing evidence that no release condition or set of conditions will reasonably assure the safety of the community and by a preponderance of the evidence that no condition or set of conditions . . . will reasonably assure the defendant’s appearance can a defendant be detained before trial.” *United States v. Kisling*, 334 F.3d 734, 735 (8th Cir. 2003) (quoting *United States v. Orta*, 760 F.2d 887, 891 & n.20 (8th Cir. 1985) (en banc)).

5. In determining whether pretrial detention is appropriate, the Court shall consider information concerning the nature and circumstance of the offense, the weight of the evidence against the defendant, the defendant’s history and characteristics, and the danger to any person of community posed by the defendant’s release. 18 U.S.C. § 3142(g).

6. The United States submits that there are no conditions which the Court could place on the defendant’s release which would reasonably assure the safety of the community by clear and convincing evidence and reasonably assure the defendant’s appearance by a preponderance of the evidence.

WHEREFORE, based on the foregoing, the United States requests that the Court hold a Detention Hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of the defendant.

Respectfully submitted,

Teresa A. Moore
United States Attorney

By /s/Robert M. Smith

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on October 26, 2023, to the CM-ECF system of the United States District Court for the Western District of Missouri, and a copy of the foregoing will be hand-delivered to the defendant at his first appearance before a judicial officer.

/s/Robert M. Smith

Robert M. Smith
Assistant United States Attorney